IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 16 OF 2005

MAHENDRA V.LAAD AND 3 ORS., ...Petitioners

Versus

MOHAN R.LAAD AND 13 ORS., ...Respondents

Mr. M. B. D'Costa, Senior Advocate with Mr. J. A. Lobo, advocate for the petitioners.
Mr. M. S. Usgaokar, Senior Advocate with Mr. I. Agha, advocate for respondent nos. 1 to 4.

Coram:- R. M. LODHA, J.

Date:- 26th August, 2005

P.C.

Heard Mr. M. B. D'Costa, the learned Senior Counsel for the petitioners and Mr. M.S. Usgaokar, the learned Senior Counsel for the respondent nos.1 to 4.

The finding of the Appeal Court that respondent no.1 Mohan Laad has preference over others to be appointed as Administrator is in conformity with Article 2068 of the Family Laws and cannot be said to suffer from any illegality.

Mr. D'Costa, the learned Senior Counsel for the petitioners, submitted that respondent no.1 having been appointed as Administrator may take possession of the properties which are not part of the estate of the deceased and which pertain to the personal ownership of the petitioners. This apprehension of the petitioners is wholly unfounded. It is not in dispute that the enquiry about certain properties which the respondent nos.l to 4 claim to be part of the estate of the deceased (while the petitioners claim to be their own personal property), is still going on. If the Administrator, namely Mohan Laad, does anything that may affect the enquiry proceedings which are still going on, it will be open to the petitioners to pursue appropriate remedy available to them in law.

With the aforesaid observations the Writ Petition is dismissed in limine.

R. M. LODHA, J.